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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

RADA, ALEX P

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 01/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,163

Applicant(s)

JOSHI, SHRIDHAR P.

Examiner

Alex P. Rada

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams '098 in view of Schneider '976 and Small '730.
3. Adams discloses receiving a wager to initiate play of a game on a gaming machine as recited in claims 1, 14, and 18. Adams does not expressly disclose dispensing a sweepstakes entry from the gaming machine in response to a predetermined criteria as recited in claims 1, 14, and 18. The predetermined criteria include the selected outcome being a predetermined one or more of the plurality of possible outcomes as recited in claims 2, 14-15 and 19. The possible outcomes are associated with a payout exceeding a predetermined threshold as recited in claims 3, 16, and 20. The predetermined criteria include the selected outcome being associated with a payout exceeding a predetermined threshold as recited in claims 4 and 21. A response to a predetermined outcome selected in the game as recited in claims 5 and 22. Receiving a wager to initiate play of the game and randomly selecting an outcome from a plurality of possible outcomes as recited in claims 12 and 25. Representing the selected game outcome on a visual display as recited in claim 14. Schneider teaches a gaming machine having an outcome being a predetermined one or more of the plurality of possible outcomes, the possible outcomes are associated with a payout exceeding a predetermined threshold, the predetermined criteria include

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the selected outcome being associated with a payout exceeding a predetermined threshold, a response to a predetermined outcome selected in the game, receiving a wager to initiate play of the game and randomly selecting an outcome from a plurality of possible outcomes, and representing the selected game outcome on a visual display. By having predetermined criteria of different possible outcomes with a payout exceeding predetermined thresholds, one of ordinary skill in the art would be able to increase the enjoyment of a game.

Adams and Schneider do not disclose dispensing a sweepstakes entry from a gaming machine. Small teaches the capability of promotional schemes being used to encourage the usage of an apparatus by adding a sweepstakes entry into a game for each time the apparatus is being used by a game player. By adding a sweepstakes entry to the back of a ticket or receipt of a game machine, one of ordinary skill in the art would be able to increase a game players chances for a bigger prize or payout. It would have been obvious to one of ordinary skill in the art at the time of the applicant's was made to modify Adams to include an outcome being a predetermined one or more of the plurality of possible outcomes, the possible outcomes are associated with a payout exceeding a predetermined threshold, the predetermined criteria include the selected outcome being associated with a payout exceeding a predetermined threshold, and receiving a wager to initiate play of the game and randomly selecting an outcome from a plurality of possible outcomes as taught by Schneider and dispensing a sweepstakes entry from the gaming machine in response to a predetermined criteria as taught by Small. To do so would be able to promote the usage of the game machines by having a game player venture against other game players playing for a grand prize.

Also, for the purpose of the rejection of claims 6-11, 17 and 23-24, it would have been obvious to design a sweepstakes entry form made on pre-printed paper, filling out the needed information, and dropping off the entry or mailing the entry to determine an overall winner in a game. Furthermore, for the purpose of the rejection of claims 13 and 26, it would have been obvious to have a group consisting of slots, poker, keno, bingo, and blackjack to enable a game player to choose a game to his or her liking.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gumina `109 discloses an instant poker game card having portions thereof covered with a removable scratch-off coating.

Clapper `289 discloses an electronic and mechanical apparatus utilizing a voucher and game ticket combination and which operates as technological aid in the play of a sweepstakes promotional game.

Fienberg `737 discloses a lottery-type system providing multiple levels of play includes a plurality of playing cards and a master game card used in conjunction therewith.

Clapper `485 and 784 discloses an electronic gaming apparatus, which preferably corresponds to and effectively electronically automates games of chance.

Such `395 discloses a method for conducting a lottery game having a container for a set of game tickets of a pre-selected number which tickets can be obtained by a game player.

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Wilkinson '652 discloses gambling activities in a single casino or a group of casinos providing players with tickets or cards, which qualify the players to special prizes such as from lottery drawings.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 8:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Alex P. Rada
Examiner
Art Unit 3713

APR
apr
January 25, 2002


JESSICA HARRISON
PRIMARY EXAMINER